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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/213,846 | 12/17/1998 | SCOTT ANTHONY MORGAN | AT9-98-341 | 6328 |

7590 08/05/2004

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| EXAMINER |
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OPSASNICK, MICHAEL N

| ART UNIT | PAPER NUMBER |
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2655

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DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/213,846

Applicant(s)

MORGAN ET AL.

Examiner

Michael N. Opsasnick

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhor et al (5231670) in view of White (5386494).

As per claims 1,4,7, Goldhor et al (5231670) teaches means for predetermining a plurality of speech commands for system actions (col. 2 lines 40-55), means for detecting speech commands (as speech commands, col. 9 lines 21-29), means responsive to a detected speech command for displaying said command for a predetermined time (as displaying selected list of commands -- col. 5 lines 40-55), speech command means for stopping the system action designated by said displayed command (as null dictation event being specified -- col. 5 lines 35-39), means for executing the system action designated by said displayed command in the event that said system action is not stopped during said predetermined time period (as automatic execution of the dictation event via a dictation event handler -- col. 5 lines 17-30).

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Goldhor et al (5231670) does not explicitly teach displaying the commands, however, White (5386494) teaches displaying the commands as well (abstract, col. 3 lines 20-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Goldhor et al (5231670) with displaying the command list because it would advantageously allow the user to double-check the computer to see if an erroneous command was selected (White (5386494), col. 3 lines 31-39).

As per claims 2,5,8, Goldhor et al (5231670) teaches speech command mean for executing the system action designated by said displayed command prior to the expiration of said time period (as allowing user to intervene at any time to specify a dictation event -- col. 5 lines 34-36).

As per claim 3,6,9, Goldhor et al (5231670) teaches wherein speech command means for executing said system action prior to said time period expiration is responsive to a repetition of the detected speech command (as allowing user to intervene at any time to specify a dictation event, which can be a repeat of the event -- col. 5 lines 329-39).

Response to Arguments

3. Applicant's arguments filed 5/25/2004 have been fully considered but they are not persuasive. As per applicant's arguments that Goldhor does not teach displaying commands, examiner notes that the combination of Goldhor in view of White is used to teach the displaying of commands. As per applicant's arguments that Goldhor does no disclose displaying the recognized command for a predetermined period of time, examiner argues that the dictation

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event (as referred to in col. 5 lines 40-55) that is processed for the user to select the correct candidate or for further processing -- meaning that the system allows the user to select the candidate, or the 'further processing' is automatically performed by the system when the system automatically detects a "null dictation event", as noted in col. 5 lines 35-39. Although Goldhor does not specify the actual length of time that the user has to respond, Goldhor does teach a limited time period for the response until the system continues on (based on the "null dictation event" in Goldhor). Furthermore, the "null dictation event" teaches continuation of the system unless it is stopped by voice.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089, who is available Tuesday-Thursday, 9am-4pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached at (703)305-4827. The facsimile phone number for this group is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno

7/31/2004



W. R. YOUNG
PRIMARY EXAMINER